Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
Political Programming and Online Public File Requirements for Low Power Television Stations	)	MB Docket No. 24-147
	)	
Advancement of the Commission's Rules to Advance the Low Power Television, TV Translator, and Class A Television Service	)	MB Docket No. 24-148

COMMENTS OF ADVANCED TELEVISION BROADCASTING ALLIANCE

The Advanced Television Broadcasting Alliance ("ATBA"), the trade association for the low power television ("LPTV") and over-the-top ("OTT") industries, submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") Public Notice "seeking public input on identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens."[1] As a leading advocate for television ("TV") broadcasters, ATBA appreciates the Commission's efforts to eliminate regulations that impose unnecessary burdens on the TV industry, and LPTV specifically. ATBA looks forward to working with the FCC to ensure that LPTV stations can embrace cutting-edge technologies like ATSC 3.0, deliver high-quality local content, and thrive in today's fast-paced, technology-driven media world.

In the first part of these comments, the ATBA identifies existing FCC rules that needlessly prevent LPTV stations from improving the signals they use to serve the public and that, accordingly, should be eliminated or revised. In the second part of these comments, the

[1] *In Re: Delete, Delete, Delete*, Public Notice, DA 25-219 (rel. Mar. 12, 2025), https://docs.fcc.gov/public/attachments/DA-25-219A1.pdf ("Public Notice").

ATBA identifies additional modifications to the Commission's rules that will empower LPTV stations to use their limited resources to deliver compelling and important content to viewers.

I. THE COMMISSION SHOULD REVISE ITS LOW POWER TV RULES TO FACILITATE IMPROVEMENT OF STATIONS' SIGNALS.

The FCC should eliminate or revise rules that impose artificial restrictions on the ability of LPTV stations to improve their broadcast signals and strengthen service to local communities. First, the Commission should provide flexibility for LPTV stations to make technical changes to respond to market demands. Additionally, the FCC should allow LPTV stations to increase their power to enhance their signal, broaden their reach, and better serve viewers in rural and underserved areas when doing so will not cause interference to any other broadcast stations.

A. The Commission Should Provide Additional Flexibility for Stations to Respond to Market Demands.

To encourage innovation within the TV industry, the FCC should strive to provide greater flexibility for LPTV stations to modify their technical facilities to respond to market demands. Currently, the FCC's rules consider "[a]ny change in transmitting antenna location of greater than 30 miles (48 kilometers) from the reference coordinates of the existing station's antenna location" as a "major" change.[2] This 30-mile threshold is an arbitrary and restrictive marker that imposes an unnecessary barrier on stations seeking to improve their service. While the ATBA understands the rationale for imposing some restrictions on minor changes, the existing rule is overly restrictive and should be removed. Eliminating the 30-mile restriction would leave in place the contour overlap rule, which is sufficient for limiting station moves to a reasonable distance. Defining permissible modifications through contour overlap would preserve station service to local communities while also allowing stations to adapt to changing demographics,

[2] 47 C.F.R. § 74.787(b)(1)(iii).

technological influences, and market realities.

Relatedly, the FCC should provide a window for parties to apply for new LPTV stations and to make major changes to existing facilities (including the ability to move further than 30 miles).[3] Although Section 74.787 of the Commission's rules establishes procedures for applications for new stations and for major changes to existing stations,[4] these opportunities have been few and far between. In fact, the FCC has not provided most LPTV stations with the opportunity to move more than 30 miles since 1996.[5] The only exception was a 2009 window limited to facilities in rural areas. Moreover, the Commission has only once accepted applications for new LPTV or TV translator stations, and then only in rural areas.[6] Although the Media Bureau indicated that it would provide a subsequent opportunity for applications for new digital-only LPTV and TV translator stations and major modifications to existing analog and digital stations, without geographic restriction, that opportunity never came to fruition.[7] Thus, despite the many demographic and programming changes since 1996, most LPTV stations are stuck serving largely the same geographic areas. The combination of the Commission's overly restrictive definition of

---

[3] *Media Bureau Announces Commencement of First-Come, First-Serve Channel Change Opportunity for Class A Television, LPTV and TV Translator Stations Beginning on August 20, 2024*, Public Notice, DA 24-498 (rel. May 28, 2024), https://docs.fcc.gov/public/attachments/DA-24-498A1.pdf.

[4] 47 C.F.R. § 74.787(a).

[5] *Low Power Television and Television Translator Filing Window From April 22, Through April 26, 1996*, Public Notice of Filing Window, 61 Fed. Reg. 11840 (Mar. 22, 1996).

[6] *See Commencement of Rural, First-Come, First-Served Digital Licensing for Low Power Television and TV Translators Beginning August 25, 2009*, Public Notice, 24 FCC Rcd. 8911 (2009).

[7] *See Initiation of Nationwide, First-Come, First-Served Digital Licensing for Low Power Television and TV Translator Services Postponed Until Further Notice,* Public Notice, 25 FCC Rcd. 8179 (2010).

a minor modification and its failure to open a window for new station construction permits or major changes serves to impose unnecessary burdens on the LPTV industry.

Finally, the Commission should prevent the Media Bureau from imposing unnecessary conditions on LPTV licenses that were not specifically adopted by the full Commission. For several years, the FCC has included on each license granted to an LPTV station a condition that the grant is "conditioned on continuous operations of the licensed facility for the twelve-month period following grant" subject to rescission of the grant and dismissal of the license application "unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed."[8] To be clear, the FCC has never adopted a rule requiring an LPTV station to operate for twelve consecutive months establishing a presumption that facilities were temporarily constructed if it fails to do so. Rather, the Media Bureau imposed this burdensome regulation on broadcasters by regulatory fiat. While this requirement is ill advised under any circumstances, if the FCC wanted to impose such an obligation, it would have done so through notice-and-comment rulemaking. The Commission should not allow its bureaus to act as shadow Commissions—as the Media Bureau has done here—imposing burdensome regulations without full FCC authority.

B. The FCC Should Revise its LPTV Power Limits and Empower Stations to Improve Service for their Communities.

To empower LPTV stations to improve service to their local communities, the FCC should increase the unnecessarily restrictive power limits for LPTV stations. Under the Commission's rules, LPTV and TV translator stations are confined to 15 kilowatts ("kW") effective radiated power ("ERP") for Ultra High Frequency ("UHF") channels 14-36 and 3 kW

[8] *See, e.g.*, Low Power Television Broadcast Station License, KXVK-LD, File No. 0000232628.

ERP for Very High Frequency ("VHF") channels 2-13.[9]

The FCC should revisit these arbitrary limitations.[10] There is no "rational connection" between the Commission's goals for the LPTV service and power limits that make reception of LPTV stations difficult even within the station's predicted service contour.[11] The FCC implemented these power limitations over 20 years ago,[12] long before most LPTV stations converted to digital. Real world experience over the last two decades, however, reveals that 15 kW ERP for UHF stations and 3 kW ERP for VHF simply does not provide enough power for digital stations to deliver an adequate signal to LPTV viewers, especially to viewers with low cost, indoor antennas that are much more prevalent today than in 2004. The Commission should delete these unnecessarily restrictive power limits and replace them with a standard that better reflects digital signal propagation and real-world conditions demonstrated over the last 20 years.

The ATBA recommends allowing LPTV stations to increase power to 25 kW or 50kW for UHF stations and 6 kW for VHF stations as long as they can do so without causing any interference. Removing the 15 kW and 3 kW restrictions will allow LPTV stations to enhance their signals, improve service to their communities, and deliver high-quality local media content

---

[9] 47 C.F.R. § 74.735(b).

[10] *See id.*; 5 U.S.C. § 706(2)(A) (agency actions are "unlawful" under the Administrative Procedure Act if they are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law").

[11] *See Bowen v. Am. Hosp. Ass'n*, 476 U.S. 610, 626 (1986) (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

[12] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd. 19331 (2004); *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd. 14588 (1997).

to viewers without causing any additional interference to low power or full power stations. Indeed, as the FCC has acknowledged with respect to full power VHF stations, the projections it made over two decades ago with respect to the power levels necessary to ensure adequate over-the-air viewing have proven incorrect.[13] The FCC should use this proceeding to provide LPTV owners the same opportunity to improve their signals to better reflect real-world conditions and not the theoretical conditions that the FCC anticipated would exist back in the early 2000s.

The FCC should also take additional steps to remove legacy barriers on LPTV stations and promote improved digital signals by adjusting its interference criteria to account for real world propagation of digital LPTV signals.[14] Promulgating rules that account for and encourage advanced technologies, such as ATSC 3.0, will help broadcasters leverage innovative solutions and ensure local content remains accessible in the digital media landscape. When combined with directional antennas and Single Frequency Networks ("SFN"), a more data-driven, next-generation friendly approach could help LPTVs serve broader audiences. As a first step, the FCC should clarify that LPTV stations can and should use Distributed Transmission Systems ("DTS") and SFNs to strengthen coverage in rural and underserved communities by deploying multiple synchronized low-power transmitters.

---

[13] *See e.g.*, *Amendments of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd. 10732, ¶ 37 (rel. Jul 15, 2011); *see also* Michael Grotticelli, *Move to VHF Proves Challenging for Many Lower Power Stations*, TVTech (July 31, 2009), https://www.tvtechnology.com/news/move-to-vhf-proves-challenging-for-many-lower-power-stations.

[14] *See* 47 C.F.R § 74.703.

II. THE COMMISSION SHOULD ENSURE THAT LPTV STATIONS CAN DELIVER INNOVATIVE MEDIA CONTENT FOR LOCAL COMMUNITIES.

In this section, we discuss a number of additional actions the FCC can take in short order to remove the regulatory underbrush affecting LPTV stations and empower LPTV stations to continue providing high-quality, local service that is responsive to their communities' needs.

First, the FCC should terminate the proceeding initiated by the prior Commission that proposed to require LPTV stations to maintain an online public file and comply with additional burdensome obligations.[15] As ATBA emphasized in prior comments, "the imposition of substantive and burdensome changes to recordkeeping and political programming requirements would come at the expense of investments in infrastructure and programming to better serve their viewers."[16] Then-Commissioner Carr made a similar point in his dissent, noting that the existing LPTV rules "reflect a bargain struck more than 40 years ago" in which LPTV stations agreed to limitations on their service in exchange for fewer regulatory burdens.[17]

For LPTV stations, which are wholly committed to serving their unserved or underserved communities, complying with the Commission's public file requirements would require significant financial costs, time, and labor resources—without any clear benefits.[18] Numerous

---

[15] *Political Programming and Online Public File Requirements for Low Power Television Stations*; *Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, Notice of Proposed Rulemaking, 39 FCC Rcd. 6318 (2024) ("2024 LPTV NPRM").

[16] Comments of Advanced Television Broadcasting Alliance, MB Docket Nos. 24-147, 24-148, at 2-3 (filed July 28, 2024) ("ATBA Comments").

[17] *See* 2024 LPTV NPRM (Dissenting Statement of Commissioner Carr).

[18] ATBA Comments at 4-5 ("The maintenance of an OPIF remains a significantly time and labor-intensive undertaking that benefits only a select few").

commenters in the proceeding underscored this point. The National Association of Broadcasters explained that "compliance with the OPIF filing requirement is no simple, ministerial act."[19] The National Religious Broadcasters Association went further, opining that the Notice of Proposed Rulemaking ("NPRM") "proposed a wide-ranging slate of rule changes and enhancements that risk regulating independent LPTV operators into oblivion."[20] Because the recent LPTV proceeding would provide no value and merely enact extra regulatory burdens without public interest benefits, the Commission should formally close the proceeding; otherwise, a future Commission less attuned to the plight of LPTV operators could unwisely revive it in short order by issuing a Report & Order imposing these unnecessary requirements.

Second, the Commission should make compliance with Emergency Alert System ("EAS") rules voluntary for LPTV stations. While the FCC's EAS rules specifically apply to LPTV and other secondary broadcast stations,[21] the Commission has astonishingly proposed to broaden rather than reduce the scope of the rules applicable to LPTV stations. Under the current rules, both LPTV stations that "operate as television broadcast translator stations" and "broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point)" are exempt from certain portions of the EAS rules.[22] In its 2024 LPTV rules proceeding, however, the Commission proposed to remove those exemptions and "require that all stations with the LPTV designation, regardless of how the station is operated, must comply with [the]

---

[19] Comments of the National Association of Broadcasters, MB Docket Nos. 24-147, 24-148, at 6-7 (filed July 29, 2024).

[20] Comments of the National Religious Broadcasters, MB Docket Nos. 24-147, 24-148, at 1 (filed July 29, 2024).

[21] 47 C.F.R. § 11.11(a).

[22] *Id.* § 11.11(b).

EAS rules."[23] This would be contrary both to common sense and to law. While ATBA appreciates the Commission's desire to ensure broad access to EAS alerts, stations that are subject to displacement at any time should not be required to incur the cost of serving as a primary source of emergency information. Moreover, the FCC lacks authority to expand the burden it imposes on secondary stations for EAS compliance, and any effort to do so would run afoul of recent Supreme Court precedent, including *Loper Bright* and *West Virginia v. EPA*.[24]

Instead of imposing new burdens on LPTV stations, the FCC should be removing them. In particular, the Commission should eliminate the requirement for LPTV stations and other secondary stations to participate in the legacy EAS, and instead, make such participation voluntary. The FCC can revisit the burden of EAS compliance for LPTV stations in connection with the petition for rulemaking filed by the National Association of Broadcasters to allow stations to use more flexible and less costly software-based EAS decoders.[25]

Finally, the ATBA encourages the Commission to revisit its rules that preclude stations from fully transitioning to ATSC 3.0, including the requirement that stations broadcasting an ATSC 3.0 signal must simulcast the primary video programming stream using an ATSC 1.0

---

[23] 2024 LPTV NPRM ¶ 55.

[24] *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400 (2024) (cleaned up) (compelling the FCC to discern the "single, best meaning" of the Communications Act "fixed at the time of enactment"); *W. Virginia v. EPA*, 597 U.S. 697, 735 (2022) (the Environmental Protection Agency's mandate to "force a nationwide transition away from the use of coal to generate electricity" was a "decision of such magnitude and consequence [that rested] with Congress itself, or an agency acting pursuant to a clear delegation from that representative body").

[25] *See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System; Protecting the Nation's Communications Systems from Cybersecurity Threats*, Petition for Rulemaking, PS Docket Nos. 15-94, 22-329 (filed Mar. 31, 2025).

signal[26] and the corresponding requirements for "substantially similar" programming on the ATSC 3.0 signal and 95 percent coverage.[27] ATBA recognizes that the full power transition to ATSC 3.0 is necessary to help create the economies of scale and ecosystem that will allow low power stations to upgrade their facilities for ATSC 3.0. Therefore, eliminating these unnecessary requirements, and substituting a market-driven approach, would unshackle the broadcast ecosystem from a decades-old digital standard and empower stations to thrive in modern IP-based technology, which benefits full power and low power stations alike.

III. CONCLUSION

The ATBA appreciates the Commission's commitment to identifying and eliminating unnecessary burdens that inhibit "deployment, expansion, competition, and technological innovation."[28] As the Commission moves forward with its deregulation initiative, it should prioritize revising its LPTV rules to improve service for local communities across the country and ensure that stations can innovate and deliver high-quality programming for years to come.

Respectfully submitted,

ADVANCED TELEVISION
BROADCASTING ALLIANCE

/*s*/ Lee Miller

Lee Miller
Executive Director
1511 S. Chestnut St.
Lufkin, TX 75901
info@broadcastingalliance.org
(877) 214-4277

April 11, 2025

[26] 47 C.F.R §§ 73.3801(a), 74.782.

[27] *Id.* §§ 73.7801(b)(1); 73.7801(f)(5), (6).

[28] Public Notice at 1-2.